

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 528 - HB 551**

March 6, 2023

**SUMMARY OF BILL:** Extends the length of time a person interested in the adoption of a child may make reasonable payments to the child's mother and child to 60 days after the child's birth. Clarifies that these payments may be used for in person or virtual counseling. Authorizes the Department of Children's Services (DCS) to file written motions for the transfer of custody of a child. Authorizes the court to waive the three-day revocation period if the birth parent is represented by an attorney when surrendering a child. Permits the termination of parental rights to be based on the parent having been charged or convicted of a rape from which the child was conceived.

Requires DCS to file a petition to terminate parental rights within 14 days of a severe child abuse finding. Authorizes DCS to file a petition to terminate parental rights if a parent has not made reasonable progress toward obtaining custody during a six-month period where the child has been in foster care. Authorizes a petitioner or respondent to request an expedited case for termination of parental or guardianship rights if a case has not been completed within 90 days from when the petition was served. Requires a putative father's parental rights to be terminated prior to an adoption if the biological father has paid financial support to the child or child's mother, or if he has made a court filing or appearance consistent with the claim of paternity, or if he has openly lived with the child and held himself out as the father of the child.

Decreases, from six months to three months, the length of time a petition for adoption must be on file before a final order of adoption can be entered, and authorizes the court to waive this three-month period in certain circumstances. Decreases, from one year to six months, the length of time a court has to overturn an adoption. Requires DCS to continue to attempt to local kinship foster care placement for a child at least 30 days after the child's removal from their home. Makes various changes to who may attend foster parent hearings. Creates regulations surrounding contracts between prospective birth parents and prospective adoptive parents. Requires DCS to accept home studies performed by licensed child-placing agencies or licensed clinical social workers as a valid home study.

**FISCAL IMPACT:**

**Increase State Expenditures – \$95,900/FY23-24 and Subsequent Years**

**Increase Federal Expenditures – \$64,200/FY23-24 and Subsequent Years**

**SB 528 - HB 551**

Assumptions:

- According to Tenn. Code Ann. § 36-1-109(a)(1)(B)(i), a person may make reasonable payments to a child or child's mother up to 45 days after the child's birth. Extending the allowed time to 60 days will not have any fiscal impact to the state or local government.
- Altering certain policies as it relates to court proceedings, as put forth in the proposed legislation, will not create a significant fiscal impact to DCS or the court system.
- Altering who is required to give consent before court in order to authorize an adoption proceeding can be accomplished without any fiscal impact to the courts.
- Currently, it takes approximately 75 – 90 days for DCS to file a termination of parental rights based upon a finding of severe child abuse. Of those 75 – 90 days, 30 days are solely for their legal division to draft and file the petition.
- According to DCS, approximately 1,641 children in custody have a substantiated allegation of severe abuse, but only 820 of these cases will need petitions filed within 14 days of a severe child abuse finding. It is assumed DCS will require an additional Associate Counsel positions, which will create a recurring increase in expenditures of \$160,085 [(\$131,004 salary + \$29,081 benefits) x 1 positions] in FY23-24 and subsequent years, which will consist of:
  - 44 percent, or \$70,437 (\$160,085 x 44%), in DCS funding,
  - 10 percent, or \$16,009 (\$160,085 x 10%), in Title IV-E federal funding, and
  - 46 percent, or \$73,639 (\$160,085 x 46%), in TennCare funding, of which:
    - 34.515 percent, or \$25,417 (\$73,639 x 34.515%) is state and
    - 65.485 percent, or \$48,222 (\$73,639 x 65.485%) is federal.
- Based on information provided by DCS, it is reasonable to assume that the majority of potential adoptive children live in their foster home for more than six months prior to the adoption petition being filed. Therefore, decreasing the residence threshold to three months for certain children before an order of adoption is entered is assumed to have no significant impact on DCS.
- Pursuant to Tenn. Code Ann. § 37-2-414(b)(2), DCS is required to attempt to place a child with a relative for kinship foster care. The additional requirement that DCS continue to local appropriate kinship foster care placement for at least 30 days can be accomplished within existing resources and personnel.
- It is assumed that any changes to foster parent or custody hearings can be accomplished within court resources, and will therefore not create an increase in expenditures.
- Requiring DCS to accept home studies performed by licensed child-placing agencies or licensed clinical social workers will not create a significant decrease in expenditures associated with carrying out home studies.
- The total increase in state expenditures will be \$95,854 (\$70,437 + \$25,417) in FY23-24 and subsequent years.
- The total increase in federal expenditures will be \$64,231 (\$16,009 + \$48,222) in FY23-24 and subsequent years.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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